

PETITIONER:
SAHIB RAM

Vs.

RESPONDENT:
THE STATE OF HARYANA AND OTHERS

DATE OF JUDGMENT 19/09/1994

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
VENKATACHALA N. (J)

CITATION:
1995 SCC Supl. (1) 18 JT 1995 (1) 24
1994 SCALE (4) 605

ACT:

HEADNOTE:

JUDGMENT:
ORDER

1. Leave granted.

2. The appellant was appointed in July 29, 1972 as a Librarian in government College in the Pay-scale of Rs.220-550. The Haryana government accepting the recommendations of government of India and the University grants Commission upgraded the pay-scales of Librarian with effect from 1st January, 1973 to Rs.700-1600, if they possessed a minimum educational qualification of first or second Class M.A., M. Sc., M.Com plus a first or second Class B.Lib. Science or a diploma in Library Science, the degree of MLib. being a preferential qualification. Thereafter taking into consideration, representation made by several Librarian appointed prior to 31st December, 1972 and of the recommendations of the University grants Commission, the government of India in their proceedings of January 16, 1987 relaxed the requirement of securing first or second class in MA., M.Sc., MCom. and other prescribed educational qualifications, by an order which was in the following terms:

"it has now been decided, on the recommendation of the UGC, that the existing incumbents of the post of Librarians in College who have been appointed to these posts on or before 3.12.1972 may be sanctioned the upgraded scale of Rs. 700-1600 in relaxation of the qualification prescribed in Annexure-1 referred to above without insisting on a first or second class in the degree, diploma or other prescribed educational qualification."

3. The Principal of the College, where the appellant was working as a Librarian allowed to him the revised pay-scale of Rs.700-1600 purporting to act under the above order. However, the govt. of Haryana directed the Principal to withdrew the pay-scale of Rs.700-1600 allowed to appellant.

The appellant had challenged their direction in C.W.P. No. 10988 of 1993 in the High Court of Punjab and Haryana. The High Court by the impugned order dated September 9, 1993 dismissed the writ petition. Thus this appeal by special leave.

4. Mr. Prom Malhotra, learned counsel for the appellant, contended that the previous scale of Rs. 220-559 in which the appellant was entitled became Rs. 700-1600 since the appellant had been granted that scale of pay in relaxation of the educational qualification. The High Court was, therefore, not right in dismissing the writ petition. We do not find any force in this contention. It is seen that the government in consultation with the University Grants Commission had revised the payscale of a Librarian working in the Colleges to Rs. 700-1600 but they insisted upon the minimum educational qualification of first or second class M.A., M. Com. plus a first or second class B.Lib. Science or a diploma in Library Science. The relaxation given was only as regards obtaining first class or second class in the prescribed educational qualification but not relaxation in the educational qualification itself.

5. Admittedly the appellant does not
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possess the required educational qualifications. Under the circumstance the appellant would not be entitled to the relaxation. The Principal erred in granting him the relaxation. Since the date of relaxation the appellant had been paid his salary on revised scale. However, it is not on account of any mis-representation made by the appellant that the benefit of higher pay-scale was given to him but by wrong construction made by the Principal for which the appellant cannot be held to be at fault. Under the circumstances the amount paid till date may not be recovered from the appellant. The Principle of equal pay for equal work would not apply to the scale prescribed by the University Grants Commission. The appeal is allowed partly without any order as to costs.

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